

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN-ARAB ANTI-
DISCRIMINATION COMMITTEE,
NATIONAL LAWYERS GUILD,
CYNTHIA QUENTIN BROWN,
GABRIEL CAMACHO, TAREEF KAWA,
and DAN KESSELBRENNER,

Plaintiffs,

v.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,

Defendant.

AFFIDAVIT OF EDWARD A. FLYNN

Edward A. Flynn, being duly sworn, hereby deposes and says as follows:

1. I am Secretary of Public Safety for the Commonwealth of Massachusetts.

I have served as Secretary of Public Safety since January 2003. I have over 32 years of law enforcement experience. Prior to my appointment as Secretary, I served as the Chief of Police in Arlington, Virginia for five years. In this capacity, I was responsible for responding to the Pentagon during the September 11th terrorist attack on our nation. I was also the Chief of Police in Chelsea and Braintree, Massachusetts, following fifteen years of police service with the Jersey City Police Department.

2. I received a B.A. in history from LaSalle University and a Masters degree in Criminal Justice from John Jay College of Criminal Justice in New York. I am also a graduate of the FBI National Academy, the National Executive institute and was a

National Institute of Justice Pickeett Fellow at Harvard's Kennedy School of Government.

3. As Secretary of Public Safety, I oversee the Executive Office of Public Safety and am responsible for the management and administration of a variety of public safety agencies, boards, and commissions including the Massachusetts State Police, the Department of Correction, the National Guard, the Department of Fire Services, and the Massachusetts Emergency Management Agency. The Executive Office of Public Safety is also responsible for developing the homeland security strategy for the Commonwealth of Massachusetts and coordinating our state homeland security effort.

4. Intelligence indicates that terrorists have considered attacks on subways and trains within the United States using a variety of means including explosives, incendiary materials, small arms, and poison gas. The recent train bombings in Spain emphasize the intent of terrorists to target rail systems in Western Countries with the aim of causing mass casualties. Additionally, according to the United States Department of Homeland Security, as well as the United States Department of Justice, Al-Qaeda continues to express desire to conduct attacks in the United States and that plans to attack the United States may be nearly complete.

5. Federal authorities have indicated that the nation has entered a period of heightened threat and have advised state and local officials to enhance security measures – particularly those that focus on protecting “soft targets” (e.g. shopping malls, transit, and rail systems, etc.)

6. In support of enhanced security efforts, on May 20, 2004, the United States Department of Homeland Security issued Transportation Security Directive SD

RAILPAX -04-02 setting forth heightened security measures to be implemented by transit authorities in response to intelligence reports regarding potential threats to subways and trains.

7. The federal government has designated the Democratic National Convention as a National Security Special Event resulting in extensive security measures in and around the convention site.

8. The challenge in protecting critical infrastructure does not lie in responding to specific threats. With specific threats (which are rare), law enforcement can respond with a tailored, specific response to the threat. The response to generalized but credible threats, however, particularly when they involve large numbers of defenseless people, requires the continued monitoring of current intelligence and the application of reasonable protective strategies with the goal of disrupting terrorist planning. Our homeland security strategy must be based on increasing the possibility of interrupting terrorist attacks and enhancing public confidence in law enforcement's ability to prevent a terrorist attack.

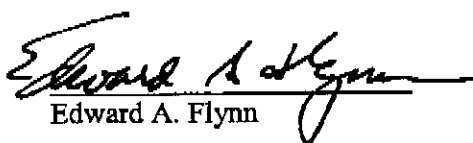
9. Recent post 9/11 history has clearly demonstrated that even where there is specific threat information available, it is rarely specific enough to enable government to enact a tailored precise response. For example, the 9/11 Commission found that although government officials were aware of a general threat that hijackers would use a plane(s) in a terrorist attack, no specific threat information was available as to date, time, and location.

10. Current law enforcement and homeland security strategies depend upon probabilities and current intelligence, which is seldom specific. Any requirement that a

security measure be tied to specific threat information will render the security measure ineffective.

11. Additional information and intelligence regarding potential terrorist attacks is available only to those persons authorized to receive classified briefings. This information is prohibited from disclosure to non-classified individuals, regardless of purpose.

**SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 27th
DAY OF JULY, 2004.**


Edward A. Flynn